

Appl. No. 10/632,949
Reply to Office Action mailed August 2, 2006

REMARKS

Following the Examiner's suggestion on page 9, lines 9 to 10 of the Office Action, claims 3, 5, 7, 10, 13 and 16 were amended to recite the term "isolated."

Claim 10 was amended into independent form by including features from claim 9.

New claims 24 to 27 are directed to inventions related to the peptide of claim 3.

New claims 28 to 31 are directed to inventions related to the peptide of claim 13.

New claims 32 to 35 are directed to inventions related to the peptide of claim 16.

New claims 36 and 37 are directed to inventions related to the peptide of claim 5.

New claims 38 and 39 are directed to inventions related to the peptide of claim 7.

New claims 40 and 41 are directed to inventions related to the lower-alkylated derivative of a peptide of claim 10.

New claims 24, 28 and 32 recite features of original claim 21.

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New claims 25, 29 and 33 recite features of original claims 17 and 21.

New claims 27, 31, 35, 37, 39 and 41 recite features of original claim 23.

New claims 26, 30, 34, 36, 38 and 40 are supported on page 26, lines 12 to 18 of the specification.

When any of claims 3, 5, 7, 10, 13 and 16 are allowed, rejoinder of the method claims which depend on such claims, is respectfully requested.

At the top of page 2 of the Office Action, it was indicated that the applicants' assertion that the peptide structures (IV) and (V) are structurally analogous to the peptide structure (I) is persuasive.

It is respectfully submitted that the peptide structure of formula (II) of claim 5, the peptide structure of formula (III) of claim 7 and the peptide structure of formula (VI) of claim 10 are also analogous to the peptide structure of formula (I) of claim 3. Accordingly, it is respectfully requested that claims 5, 7 and 10 should be examined for the following further reasons.

It is initially noted that claim 10, prior to the above amendment, was examined.

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The structures of the peptides of formulae (I), (II), (III) and (VI) are illustrated in the two sheets attached hereto. In the attached sheets, the sections of the peptides of formulae (II), (III) and (VI) that are different in structure from that of formula (I) are marked.

As is clear from the attached sheets, each of the peptides of formulae (II), (III) and (VI) is structurally analogous to the peptide of formula (I). In addition, each of the peptides of formulae (II), (III) and (VI) is a derivative of the peptide of formula (I). In particular, the peptide of formula (VI) is structurally analogous to the peptide of formula (I), since the peptide of formula (VI) is a lower-alkylated derivative of the peptide derived from the peptide of formula (I). Therefore, the examination of the peptides of formulae (II), (III) and (VI) would not create an excessive burden on the Examiner.

The antiviral activity of the peptides of formulae (II), (III) and (VI) are indicated in Examples 9 to 14 (see the specification on page 60, line 12 to page 67, line 5).

Claims 1, 2 and 4 were rejected under 35 USC 112, second paragraph, for the reasons set forth on page 3 of the Office Action.

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This rejection concerns the term "glutamine-derived."

The rejected claims 1, 2, 4, 6, 11, 12, 14 and 15, which contained the term "glutamine-derived," have been canceled hereinabove.

Withdrawal of the 35 USC 112, second paragraph rejection is thus respectfully requested.

Claims 1, 2, 4, 6, 8, 10 to 12, 14 and 15 were rejected under 35 USC 112, first paragraph, for the reasons set forth on pages 4 to 6 of the Office Action for alleged lack of written description.

Claims 1, 2, 4, 6, 8, 10 to 12, 14 and 15 were rejected under 35 USC 112, first paragraph, for the reasons set forth on page 6 of the Office Action for alleged lack of enablement.

The position was taken in the Office Action that the specification is enabling for structures (I), (IV) and (V), but does not reasonably provide enablement for all structures that encompass the amino acids and the functional groups recited in the claims.

The rejected claims 1, 2, 4, 6, 8, 11, 12, 14 and 15 have been canceled hereinbove.

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The rejected claim 10 is directed to a "lower-alkylated derivative of formula (VI), wherein R is a methyl group." In claim 10, the structure of the peptide is clearly defined by its structural formula. Further, the antiviral activity of the peptide of claim 10 is indicated in Examples 9 to 12 (see the specification on page 60, line 12 to page 64, line 20). Furthermore, the method of preparing the peptide of claim 10 is described in the specification on page 23, lines 7 to 13 and Example 5 (see the specification on page 39, lines 2 to 8).

It is therefore respectfully submitted that claim 10 satisfies all the requirements of 35 USC 112, first paragraph. Withdrawal of the two rejections under 35 USC 112, first paragraph is thus respectfully requested.

Claims 3, 13 and 16 were rejected under 35 USC 101 for the reasons set forth on page 9 of the Office Action.

As discussed above, claims 3, 13 and 16, as well as claims 5, 7 and 10, were amended following the Examiner's suggestion to add the term "isolated."

Withdrawal of the 35 USC 101 rejection is therefore respectfully requested.

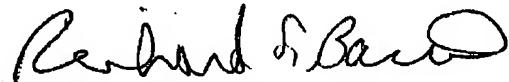
Reconsideration is requested. Allowance is solicited.

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A Form PTO-2038 is enclosed in the amount of \$50 for one extra claim.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below form prompt action.

Respectfully submitted,

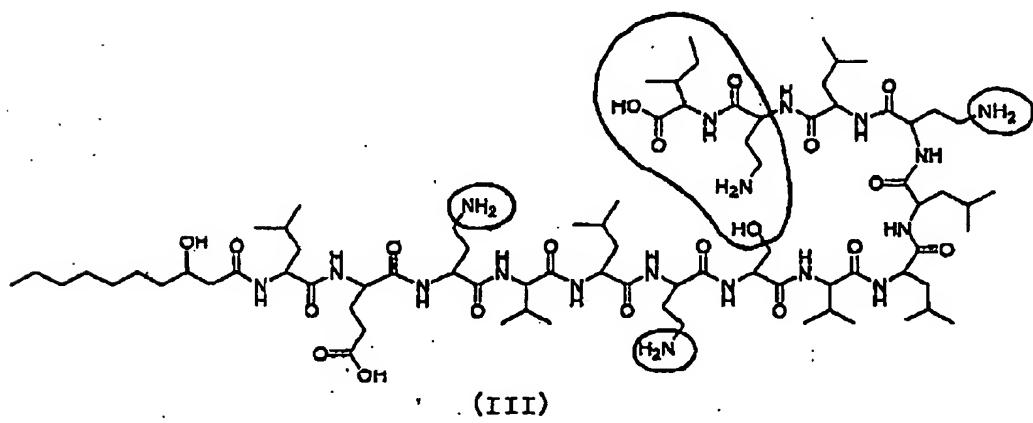
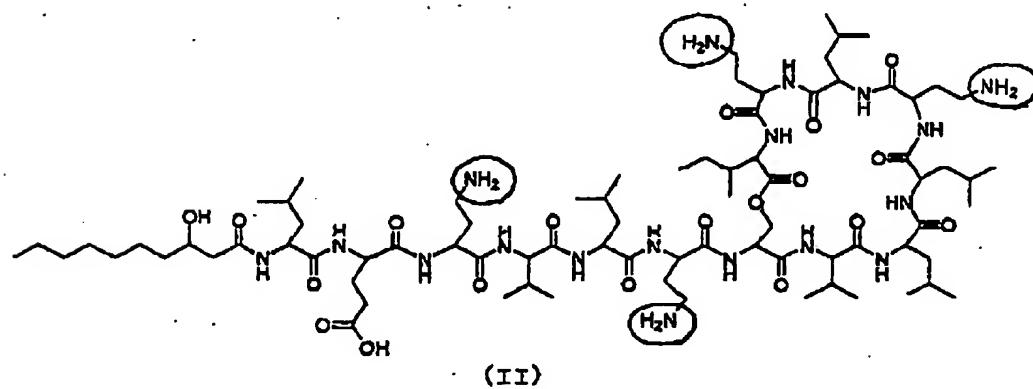
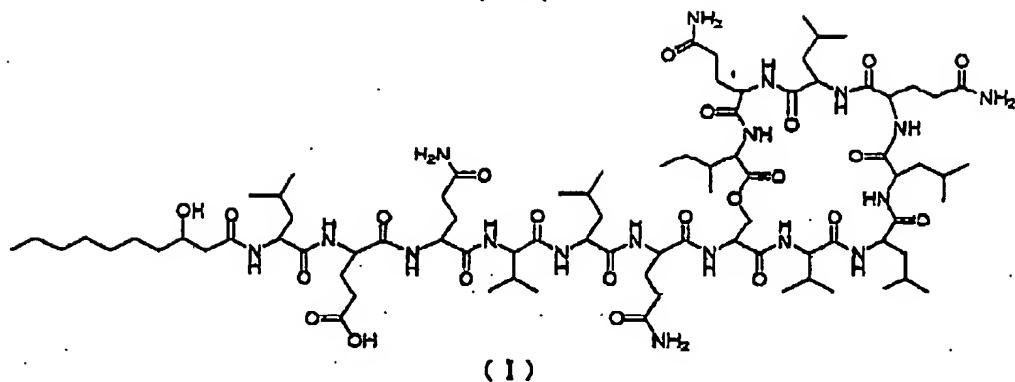


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Enclosures: (1) Form PTO-2038
(2) two attached sheets

(1/2)



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